

RECEIVED
CENTRAL FAX CENTER
OCT 21 2008

MAIL STOP AF
RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED CONSIDERATION REQUESTED
PATENT
7412/80657

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Hiroki SAKAKIBARA et al.	Confirmation:	3446
Serial No.:	10/676,270	Art Unit:	1618
Filed:	October 2, 2003	Examiner:	J. Samala
For:	Vascularization therapy by highly concentrated carbonated warm water bath		

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

October 21, 2008

Sir:

The following is responsive to the Office Action mailed April 21, 2008, in connection with the above-identified application, the period for response being extended three months to October 21, 2008.

Applicants traverse and request reconsideration of the rejection of claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by the article by Nishimura et al. (*Eur. J. Appl. Physiol.* 87, 337-342, 2002), as well as the rejection of claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over Ritter et al. (U.S. 6,086,863) in view of the above-noted Nishimura article.

In essence, Nishimura neither discloses nor suggests immersing the **affected site** of a peripheral blood vessel in warm carbonated water having a carbon dioxide concentration of at least 700 ppm and a temperature of 33-42°C, nor does Nishimura disclose or suggest the